



General Assembly

February Session, 2000

Raised Bill No. 5822

LCO No. 2384

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

An Act Concerning The Office Of Labor Relations.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 4-65a of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (a) There shall be an Office of Policy and Management which shall
4 be responsible for all aspects of state staff planning and analysis in the
5 areas of budgeting, management, planning, energy policy
6 determination and evaluation, intergovernmental policy, criminal and
7 juvenile justice planning and program evaluation. The department
8 head shall be the Secretary of the Office of Policy and Management,
9 who shall be appointed by the Governor in accordance with the
10 provisions of sections 4-5, 4-6, 4-7 and 4-8, with all the powers and
11 duties therein prescribed. The Secretary of the Office of Policy and
12 Management shall be the employer representative (1) in collective
13 bargaining negotiations concerning changes to the state employees
14 retirement system and health and welfare benefits and (2) in all other
15 matters involving collective bargaining, including negotiation and
16 administration of all collective bargaining agreements and

17 supplemental understandings between the state and the state
18 employee unions concerning all executive branch employees except
19 (A) employees of the Division of Criminal Justice and (B) faculty and
20 professional employees of boards of trustees of constituent units of the
21 state system of higher education. The secretary may designate a
22 member of the secretary's staff to act as the employee representative in
23 the secretary's place.

24 Sec. 2. Section 5-200 of the general statutes is amended by adding
25 subsection (s) as follows:

26 (NEW) (s) Notwithstanding the provisions of this chapter, any
27 matters involving collective bargaining shall be the responsibility of
28 the Secretary of the Office of Policy and Management.

29 Sec. 3. Subsection (g) of section 5-202 of the general statutes is
30 repealed and the following is substituted in lieu thereof:

31 (g) The first level of the preliminary review procedure preparatory
32 to the filing of an appeal from an alleged grievable action other than
33 dismissal, demotion or suspension shall be the aggrieved employee's
34 supervisor or department chief or other employee as designated by the
35 employee's appointing authority. Such aggrieved employee shall
36 present [his] the employee's grievance in writing on a form developed
37 by the [Commissioner of Administrative Services] Secretary of the
38 Office of Policy and Management and the Employee Review Board
39 which form shall contain a statement of the date the alleged violation
40 occurred and the relief sought in answer to the grievance. The first
41 level designee shall give [his] said designee's answer to such employee
42 within seven calendar days from the date the grievance is submitted to
43 [him] said designee or within seven days from the date of a meeting
44 convened for the purpose of reviewing the grievance, in which case
45 such meeting shall be convened within seven calendar days from the
46 date the grievance is submitted.

47 Sec. 4. Subsection (i) of section 5-202 of the general statutes is

48 repealed and the following is substituted in lieu thereof:

49 (i) The third level of the preliminary review procedure preparatory
50 to the filing of an appeal from an alleged grievable action including
51 dismissal, demotion or suspension shall be the [Commissioner of
52 Administrative Services or his] Secretary of the Office of Policy and
53 Management or the secretary's designated representative. The
54 employee, upon receiving a response at the second level which he
55 deems to be unsatisfactory, may proceed to this level by presenting the
56 same form containing the first and second level answers within seven
57 calendar days from the date the answer was given at the second level,
58 except in the case of a dismissal, demotion or suspension in which case
59 such employee must present the form, completed but without answers
60 at lower levels within thirty calendar days of the effective date of such
61 action. The [Commissioner of Administrative Services or his] Secretary
62 of the Office of Policy and Management or the secretary's designated
63 representative shall reply to such employee within thirty calendar days
64 from the date such grievance is received or within fifteen calendar
65 days from the date of a meeting convened for the purpose of reviewing
66 such grievance, in which case such meeting shall be convened within
67 thirty calendar days from the date such grievance is received.

68 Sec. 5. Subsection (l) of section 5-202 of the general statutes is
69 repealed and the following is substituted in lieu thereof:

70 (l) Either the [Commissioner of Administrative Services] Secretary
71 of the Office of Policy and Management or any employee aggrieved by
72 a decision of the Employees' Review Board may appeal therefrom in
73 accordance with section 4-183. The board may intervene as a party in
74 any appeal of its decision. Any employee who prevails in a decision of
75 the Employees' Review Board shall be entitled to recover court costs
76 and reasonable attorney's fees if such decision is appealed by the
77 [Commissioner of Administrative Services] Secretary of the Office of
78 Policy and Management and affirmed by the court in such appeal.

79 Sec. 6. Section 5-240 of the general statutes is repealed and the

80 following is substituted in lieu thereof:

81 (a) An appointing authority, subject to any regulations issued by the
82 [Commissioner of Administrative Services] Secretary of the Office of
83 Policy and Management, may reprimand or warn an employee in the
84 classified service under [his] the appointing authority's jurisdiction or
85 suspend such an employee without pay or with reduced pay for an
86 aggregate period not exceeding sixty calendar days in any calendar
87 year. For any employee not included in any collective bargaining unit
88 of state employees, any written reprimand or warning shall be
89 included in the employee's personnel file and, if not merged in the next
90 service rating, shall be expunged after twelve months from the date of
91 reprimand or warning. Any such written reprimand or warning may
92 be reviewed in accordance with the procedures established in
93 subsections (g) and (h) of section 5-202, as amended by this act.

94 (b) An appointing authority, subject to any regulations issued by the
95 [Commissioner of Administrative Services] Secretary of the Office of
96 Policy and Management, may demote an employee in the classified
97 service under [his] the appointing authority's jurisdiction from a
98 position in any given class or grade to a position in a lower class or
99 grade. The appointing authority shall give the [Commissioner of
100 Administrative Services] Secretary of the Office of Policy and
101 Management or the secretary's designated representative written
102 notice of [his] the authority's intention to effect any such demotion not
103 less than two weeks before the date it is intended to become effective.
104 The [Commissioner of Administrative Services] Secretary of the Office
105 of Policy and Management may transfer such an employee whose
106 record is otherwise satisfactory to a position under the jurisdiction of
107 another appointing authority, with the approval of such other
108 appointing authority.

109 (c) An appointing authority may dismiss any employee in the
110 classified service when [he] the authority considers the good of the
111 service will be served thereby. A permanent employee shall be given

112 written notice of such dismissal at least two weeks in advance of [his]
 113 the employee's dismissal, except as hereinafter provided, and a copy of
 114 the same shall be filed with the [Commissioner of Administrative
 115 Services] Secretary of the Office of Policy and Management or the
 116 secretary's designated representative. Such notice shall set forth the
 117 reasons for dismissal in sufficient detail to indicate whether the
 118 employee was discharged for misconduct, [incompetency]
 119 incompetence or other reasons relating to the effective performance of
 120 his duties and shall be prepared in such form and given in such
 121 manner as the commissioner prescribes. The [Commissioner of
 122 Administrative Services] Secretary of the Office of Policy and
 123 Management may provide by regulation for the waiving of advance
 124 notice in cases of serious misconduct by an employee affecting the
 125 public, the welfare, health or safety of patients, inmates or state
 126 employees or the protection of state property. Such regulation shall
 127 provide for written notice to a permanent employee who has attained
 128 permanent status and shall not preclude whatever rights any
 129 employee may have to appeal. The name of any such employee
 130 dismissed for [incompetency] incompetence or other reasons relating
 131 to the effective performance of his duties shall be immediately
 132 removed from the eligible list in the office of the Commissioner of
 133 Administrative Services.

134 (d) An appointing authority, subject to any regulations issued by the
 135 Secretary of the Office of Policy and Management, may lay off any
 136 employee in the classified service as provided in section 5-241.

137 Sec. 7. This act shall take effect from its passage.

Statement of Purpose:

To statutorily formalize the transfer of the Office of Labor Relations from the Department of Administrative Services to the Office of Policy and Management.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]